

NOV 12 2003

GROUP 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
 David E. Winn et al)
 Serial No. 10/035,047)
 Filed: December 27, 2001)
 Title: FUEL PUMP/FILTER INTEGRATION)

Group: 1723

Examiner: Matthew O. Savage

DECLARATION UNDER 37 C.F.R. 1.131

We, David E. Winn and Larry J. Tipton, are the joint inventors of the invention disclosed and claimed in all claims of the above-identified patent application and hereby declare as follows:

1. That the Examiner in the above-identified patent application rejected Claims 1, 13, and 18 under 35 U.S.C. § 102(e) based on U.S. Patent No. 6,361,684 issued to Hawkins et al. on March 26, 2002. The Examiner also rejected Claims 4 and 15 under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,361,684 issued to Hawkins et al. in view of U.S. Patent No. 2,881,749 issued to Pringham. The Examiner further rejected Claims 7 and 11 under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,361,684 issued to Hawkins et al.
2. That U.S. Patent No. 6,361,684 issued to Hawkins et al. has a filing date of May 10, 2000.
3. That prior to May 10, 2000, we conceived of our novel fuel pump/filter integration apparatus as claimed and described in the above-identified patent application. Prior to May 10, 2000, we were in communication with attorney Anthony Niewyk and provided him with a drawing and an invention disclosure which disclosed the subject matter of the above-identified patent application.
4. That prior to May 10, 2000, we sought a patentability opinion from attorney Anthony Niewyk concerning the current invention. Consequently, our employer and assignee of the above-identified patent application, Federal Mogul World Wide, Inc., requested attorney Anthony Niewyk to file a patent application covering the subject matter of the above-identified patent application. On January 22, 2001, a draft patent application was sent to the assignee. A final version of the patent application was forwarded to the assignee on May 16, 2001.
5. That from May 16, 2001 until December 27, 2001, the assignee continuously sought our execution of the Declaration and Assignment for filing with the above-

identified patent application in the United States Patent and Trademark Office. However, we had both left employment with Federal Mogul World Wide, Inc., and, consequently, Federal Mogul World Wide, Inc. spent considerable time and effort to obtain our cooperation in executing the Declaration and Assignment.

6. That we eventually respectively executed the Declaration and Assignment on December 17, 2001, and October 18, 2001.
7. That the above-identified patent application was promptly filed on December 27, 2001.
8. We hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: _____

By: _____

David E. Winn

Date: 10-23-2003

By: 

Larry J. Tipton

Niewyk, Anthony



From: Richard_Harvey@fmo.com
Sent: Thursday, October 23, 2003 8:24 AM
To: david.winn@Cummins.com
Subject: RE: YOU REF: FUEL-30101

You do love us!

Thanks in advance,
Richard

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GROUP 1700

david.winn@Cummins.com on 10/23/2003 08:14:50 AM

To: Richard_Harvey@fmo.com
cc:
Subject: RE: YOU REF: FUEL-30101

Been on the road most of the last 3 months. It is in my stack of things to do. I will try to get it out by the end of this week.

| | |
|--|---|
| Richard_Harvey@fm o.com david.winn@Cummins.com 10/23/2003 08:07 FUEL-30101 AM | To: cc: Subject: RE: YOU REF: |
|--|---|

Dave,

How about a little help here! Don't you love us anymore?

Richard

----- Forwarded by Richard Harvey/Logansport_IN_US/Federal-Mogul on
10/23/2003 08:04 AM

Marsha Dunn
10/23/2003 07:43 AM

Sent by: Marsha Dunn

To: "Niewyk, Anthony" <Anthony.Niewyk@bakerd.com>
cc: Richard Harvey/Logansport_IN_US/Federal-Mogul@Federal-Mogul, Jackie
Marasco/Federal-Mogul@Federal-Mogul, Jon
Shackelford/Federal-Mogul@Federal-Mogul, Michelle.Davis@bakerd.com
Subject: RE: YOU REF: FUEL-30101 (Document link: Richard Harvey)

As you could tell from all the emails I sent to David and copied you on, I tried. I got nowhere! I kept you up to date on the situation, and now you are low on time. I truly feel badly about that, but I also believe I did all I could, and as I said, I kept you apprised of the situation. I have David's address and email, you also have those, as does Michelle. I also sent you what I finally located on Larry Tipton. David works at Cummins in Columbus, Indiana. Just in case you no longer have the email, his address is as follows:

David Winn
1125-D Thicket Count
Columbus, IN. 47201

The declaration was sent UPS on 8/19/03, tracking # 1Z17W9770340060359

As far as his employment agreement, if you still need that, I have contacted Kim Berkshire at our HR department, and will let you know when I hear from her. Please let me know if you no longer require this document.

Marsha

"Niewyk, Anthony" <Anthony.Niewyk@bakerd.com> on 10/22/2003 03:00:00 PM

To: <Marsha_Dunn@fmo.com>, "Davis, Michelle L."
<Michelle.Davis@bakerd.com>
cc: <Richard_Harvey@fmo.com>, "Shackelford, Jon " <jshackel@fmo.com>
Subject: RE: YOU REF: FUEL-30101

We offered to handle the Declaration and send it to David and Larry. We were advised that you would handle it.

I will call Jon Shackelford and see what he wants us to do.

-----Original Message-----

From: Marsha_Dunn@fmo.com [mailto:Marsha_Dunn@fmo.com]
Sent: Wednesday, October 22, 2003 2:37 PM
To: Davis, Michelle L.
Cc: Richard_Harvey@fmo.com; Niewyk, Anthony
Subject: Re: YOU REF: FUEL-30101

Michelle:

I have tried, and copied Anthony on every one of those tries, to get this form signed by first David Winn at Columbus, Indiana, and then onto Larry Tipton, who's address I did not have. This started back in August with my first attempt. I have still not gotten any response from David. He has the original form to sign. I have stated I do not know what else to do. Again, this was copied to Anthony back in September, I never heard anything from him on this issue.

I believe, as I did back then, that my hands are tied. Can't help you on this issue.

Marsha

PS: I finally did find an address and an email for Larry. However, he did not receive any package, because I was waiting to get the "signed" declaration from David. The information I have is as follows: 10619 St. Michael, Terrace Court, St. Ann, MO. 63074. Email is: ltipton@galaxyinternet.net.

"Davis, Michelle L." <Michelle.Davis@bakerd.com> on 10/22/2003 01:59:45 PM

To: <marsha_dunn@fmo.com>

cc: "Niewyk, Anthony" <Anthony.Niewyk@bakerd.com>

Subject: YOU REF: FUEL-30101

(See attached file: C.htm)

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